## UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: ROBYN P. ALBRECHT f/k/a : Chapter 13 Bankruptcy

ROBYN HANSON-SAXTON,

Debtor : CASE NO. 5-19-03655

:

M&T BANK,

:

Movant : 11 U.S.C. §362 and 1301

:

VS.

ROBYN P. ALBRECHT f/k/a : ROBYN HANSON-SAXTON, :

DAVID L. ALBRECHT and

CHARLES J. DEHART, III, ESQUIRE,

.

Respondents

## ANSWER TO MOTION OF M&T BANK FOR RELIEF FROM STAY

The Debtor, by and through her counsel, Kevin M. Walsh, Esquire, answers the Motion for Relief from Stay as follows:

- 1. Admitted.
- 2. Admitted.
- 3. Admitted.
- 4. Denied in that, a written Mortgage should speak for itself.
- 5. Admitted.
- 6. Denied. This averment is being reviewed. To the extent any regular monthly post-petition mortgage payments have not been made to the mortgage company, the same are to be cured in an Amended Plan or Debtor offers the creditor reasonable adequate protection by making additional payments to catch up any missed post-petition payments.

- 7. Denied for the reasons stated in paragraph 6.
- 8. Denied. Cause for relief from the automatic stay does not exist because:
  - a. Movant's interest in the property is adequately protected by virtue of the Plan, the equity cushion, and/or Debtor's offer of adequate protection payments.
  - b. The property is necessary for an effective reorganization.
  - c. Debtor is acting in good faith in an attempt to reorganize his mortgage debt.
- 9. Denied as but a legal conclusion without necessity of a response.
- 10. Denied as but a legal conclusion without necessity of a response.

WHEREFORE, Debtor respectfully requests that the Motion for Relief from Stay be denied and dismissed.

/s/Kevin M. Walsh

Kevin M. Walsh, Esquire Attorney I.D. No. 35209 Attorney for Debtor/Respondent 297-299 Pierce Street Kingston, PA 18704 (570) 283-3041

## **CERTIFICATE OF SERVICE**

I, Kevin M. Walsh, Esquire, certify that a true and correct copy of the foregoing was forwarded to the below named on the 23<sup>rd</sup> day of March, 2020, as follows:

Charles J. DeHart, III, Esquire Standing Chapter 13 Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036

By Clerk's Notice of Electronic Filing

James C. Warmbrodt, Esquire KML Law Group, P.C. BNY Mellon Independence Center 701 Market Street, Suite 5000 Philadelphia, PA 19106

By Clerk's Notice of Electronic Filing

Robyn Albrecht 115 Country Club Road Dallas, PA 18612

By U.S. First Class Mail, Postage Prepaid

/s/Kevin M. Walsh

Kevin M. Walsh, Esquire Attorney I.D. No. 35209 Attorney for Debtor/Respondent 297-299 Pierce Street Kingston, PA 18704 (570) 283-3041